IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2870 OF 2004

Shri Kiran Thombre....Petitioners

Versus

V.V.F. Limited & Ors..Respondents

Mr. R.D. Bhat for the petitioner.
Mr. P.C. Pawaskar, for the Respondents.

CORAM: F.I. REBELLO, J.
DATE : 25th October,2004

P.C.:

1. Rule. Heard forthwith.

2. For the order that may be passed it is not necessary to go into the question whether the Revisional Court by the impugned order could have set aside the order of the Labour Court dated 12th June, 2003.

3. In enquiry had been initiated against the petitioner herein for acts of misconduct. The Enquiry Officer submitted his report. It is at this stage that the petitioner apprehending that he would be dismissed and/or terminated from the service approached the Labour Court for the reliefs as set out in the complaint.

4. Considering the above, the following order:-

(i) It will be open to the respondent No.1 based on the findings of enquiry officer to pass appropriate orders.

(ii) If an order is passed by way of dismissal/termination

or have the effect of termination that order will not be given effect to for a period of four weeks from the date of communication of the order to the petitioner workman.

(iii) It will be open to the petitioner-workman either to amend the present complaint or if so advised to file a fresh complaint.

(iv) It is made clear that if the petitioner-workman applies for interim relief the Labour Court and the Industrial Court would not be influenced by any observations made in the order dated 12th June, 2003 and will consider the matter afresh.

Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)